

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

SECURITIES EXCHANGE COMMISSION,

Plaintiff,

vs.

INTELIGENTY, LTD, et al.,

Defendants.

Case No. 2:13-cv-0344-GMN-NJK

**ORDER DENYING DISCOVERY PLAN**  
(Docket No. 36)

Pending before the Court is the parties' proposed discovery plan (Docket No. 36), which is hereby DENIED. **The parties shall submit a revised discovery plan, no later than May 16, 2013, that complies with the Local Rules.** Specifically, the parties are requesting a significantly longer discovery period than 180 days from when the first defendant answered, and thus the Discovery Plan must state on its face "SPECIAL SCHEDULING REVIEW REQUESTED" and state why reasons why longer or different time periods should apply. LR 26-1(d).

Further, the Rule 26(f) conference was required to be held within 30 days of March 13, 2013, when the first Defendant filed his Answer, and the stipulated discovery plan was due 14 days thereafter. *See* Local Rule 26-1(d). Absent a motion to stay, the Discovery Plan is approximately 2 weeks late. Filing dispositive motions as to some defendants does not automatically stay discovery. *See, e.g., Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 600 (D. Nev. 2011). Accordingly, the parties must show excusable neglect for their delay in filing the Proposed Discovery Plan with the Court. LR 26-4.

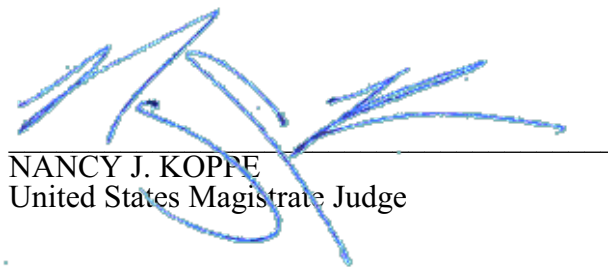
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1 Next, requests to extend discovery deadlines must be filed at least 21 days before the expiration  
2 of the subject deadline sought to be extended. The pending proposed discovery plan fails to address  
3 Local Rule 26-4, or any other relevant Local Rule, entirely.

4 Finally, the Court is not inclined to approve the requested 294 days for non-expert and 445 day  
5 expert witness discovery deadlines. The revised discovery plan must either provide sufficient  
6 justification for why such an expansive discovery period is necessary, or request a substantially smaller  
7 amount of time. Although the parties may have agreed to the requested discovery, stipulations are not  
8 effective until approved by the Court. LR 7-1. The Court expects counsel to comply with the deadlines  
9 set out in Local Rule 26-1(d) unless a stay of discovery is approved by the Court.

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11 IT IS SO ORDERED.

12 DATED: May 9, 2013

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15 NANCY J. KOPPE  
16 United States Magistrate Judge  
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